

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**SAN JOSE DIVISION**

SAM SOHN,

Plaintiff,

v.

CALIFORNIA HOUSING FINANCING  
 AGENCY, et al.,

Defendants.

Case No. 20-cv-03780-BLF

**ORDER REVOKING IN FORMA  
 PAUPERIS STATUS**

[Re: ECF 24]

Plaintiff Sam Sohn was granted leave to proceed in this case in forma pauperis. *See* ECF 7. Plaintiff's complaint, first amended complaint, and second amended complaint were screened and dismissed pursuant to 28 U.S.C. § 1915, and after the last screening the action was dismissed with prejudice. *See* ECF 7, 14, 20. Plaintiff filed a notice of appeal on August 25, 2021. *See* ECF 22. On August 27, 2021 the United States Court of Appeals for the Ninth Circuit referred the case back to this Court "for the limited purpose of determining whether in forma pauperis status should continue for this appeal or whether the appeal is frivolous or taken in bad faith." ECF 18. The Ninth Circuit's referral was entered on this Court's docket on August 30, 2021. *See* ECF 24.

"An appeal may not be taken in forma pauperis if the trial court certifies in writing that it is not taken in good faith." 28 U.S.C. § 1915(a)(3). An appeal is taken in good faith if it presents at least one issue or claim that is non-frivolous. *See Hooker v. Amer. Airlines*, 302 F.3d 1091, 1092 (9th Cir. 2002) ("If at least one issue or claim is found to be non-frivolous, leave to proceed in forma pauperis on appeal must be granted for the case as a whole."). In dismissing Plaintiff's second amended complaint, this Court determined that Plaintiff had "failed to allege facts sufficient to state a claim under any of the federal statutes enumerated in the SAC," and that

1 “[n]othing in the SAC suggests that Plaintiff would be able to state a claim if given a further  
2 opportunity to amend her pleading.” ECF 20. Because Plaintiff has been unable to present any  
3 issue or claim with potential merit, this Court concludes that Plaintiff’s appeal is frivolous and  
4 thus not taken in good faith under the applicable legal standard.

5 Accordingly, Plaintiff’s in forma pauperis status is hereby REVOKED pursuant to 28  
6 U.S.C. § 1915(a)(3). The Clerk shall notify Plaintiff and the United States Court of Appeals for  
7 the Ninth Circuit of this ruling as soon as is practicable. This ruling is without prejudice to the  
8 filing of an application in the Court of Appeals for leave to proceed in forma pauperis.

9 **IT IS SO ORDERED.**

10  
11 Dated: August 31, 2021



BETH LABSON FREEMAN  
United States District Judge